

REMARKS/ARGUMENTS

Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

Claims 1 to 19 are presently pending. Claim 1 has been amended, without prejudice, to incorporate claim 9, which has been canceled, without prejudice. Claims 1, 12, 13, 18 and 19 have been amended, without prejudice, to correct typographical errors, some of which are identified on page 2 of the Action. Claim 7 has been amended, without prejudice, to further limit the subject matter of claim 1 from which it depends. Applicants hereby reserve the right to pursue all such claims as originally presented, or claims of a similar scope, in a related application. The amendments to the claims are supported by the claims as filed and in the specification.

I. REJECTIONS UNDER 35 U.S.C. § 112

Claims 6 to 10 are rejected under 35 U.S.C. § 112 as allegedly indefinite. In particular, Claims 7 to 10 allegedly fail to further limit claim 1 from which such claims depend. Applicants respectfully submit that the rejection is moot with regard to claims 7 to 10 in view of the amendment to claim 7.

Further, claim 6 allegedly lacks antecedent basis with regard to the term “active components”. The term “active components” is defined in the specification as those “components of the composition which participate in the curing of the composition”, including any catalyst, curing agent, inhibitor or reactive diluent (see page 3, paragraph 4, page 4, paragraph 1). The meaning of such term in claim 6 is thus clear. Further, the term recited in claim 6 is not “said active components” but “the active components”. Applicants are unaware of any rule that prohibits a term from being introduced in a dependant claim where such term does not first appear in the corresponding independent claim. As such, Applicants respectfully request reconsideration and withdrawal of this rejection with regard to claim 6.

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1 to 10 and 18 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Japanese Patent No. 61-148280 (the ‘280 patent), Japanese Patent No. 2001-240837 (the ‘837 patent), European Patent No. 488949 (the ‘949 patent), CAPLUS accession No. 1984:492829 to Shimbo et al. (the ‘829 article), CAPLUS accession No. 1983:488931 to Shimbo et al. (the ‘931 article) or CAPLUS accession No. 1985:59680 to Toussaint et al. (the ‘680 article). Applicants

respectfully traverse this rejection as the above-detailed publications **do not** teach or suggest each and every limitation of the claimed invention.

For a reference to anticipate a claim under 35 U.S.C. § 102, “the identical invention must be shown in as complete detail as is contained in the ... claim” (*Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989)). Further, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” (*Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

The ‘280 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the ‘280 patent **does not** contain any disclosure with regard to curing agent composition or epoxy:amine weight ratios. Applicants have discovered that the use of an epoxy compound in conjunction with a curing agent comprising at least one aliphatic amine and at least one tertiary amine in an epoxy:amine weight ratio of from about 0.5:1 to about 10:1 produces an adhesive with unexpectedly superior performance, in particular at least with a curing time of less than 2 hours (see page 3, paragraph 4, page 7, paragraph 4, page 8, paragraph 1). The ‘280 patent **fails** to recognize that this unexpected improvement in curing time (2 hours) may be obtained through the presently claimed combination. Further, the disclosure of the ‘280 patent also **does not** suggest modification of the process therein to improve adhesive curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least these deficiencies, the ‘280 patent fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the ‘280 patent for at least this reason.

The ‘837 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the ‘837 patent **does not** contain any disclosure with regard to curing agent composition or epoxy:amine weight ratios. Further, the disclosure of the ‘837 patent also **does not** suggest modification of the adhesives therein to improve adhesive curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least these deficiencies, the ‘837 patent fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the ‘837 patent for at least this reason.

The '949 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '949 patent only discloses the epoxy:amine weight ratios of 1:0.15 to 1:0.7 (see page 5, lines 26 to 27). Further, the disclosure of the '949 patent **does not** suggest modification of the adhesives therein to improve adhesive curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least this deficiency, the '949 patent fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the '949 patent for at least this reason.

The '829 article **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '829 article only discloses the use of two diamines (see page 1), and contains no disclosure regarding the ratio of epoxy to amine present in such composition. Further, the disclosure of the '829 article **does not** suggest modification of the adhesives therein to improve adhesive curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least this deficiency, the '829 article fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the '829 article for at least this reason.

The '931 article **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '931 article only discloses the use of diamines (see page 1), and contains no disclosure regarding the ratio of epoxy to amine present in such composition. Further, the disclosure of the '931 article **does not** suggest modification of the adhesives therein to improve adhesive curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least this deficiency, the '931 article fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the '931 article for at least this reason.

The '680 article **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '680 article only discloses the use of diamines (see page 1), and contains no disclosure regarding the ratio of epoxy to amine present in such composition. Further, the disclosure of the '680 article **does not** suggest modification of the adhesives therein to improve adhesive curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least

this deficiency, the '680 article fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the '680 article for at least this reason.

III. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1 to 10 and 18 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by the '555 patent, the '678 patent, the '458 patent, U.S. Patent No. 6,402,434 to Surjan et al. (the '434 patent) or U.S. Patent No. 6,416,256 to Surjan et al. (the '256 patent). Applicants respectfully traverse this rejection as the above-detailed publications **do not** teach or suggest each and every limitation of the claimed invention.

The '555 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 of the presently claimed adhesives. In particular, the '555 patent discloses a broad ratio of epoxy to amine present in such composition from 0.178:1 to about 35.29:1 (see Col. 3, lines 42 to 62, Col. 4, lines 28 to 40, Col. 5, lines 21 to 38). As detailed above, Applicants have discovered that the use of an epoxy compound in conjunction with a curing agent comprising at least one aliphatic amine and at least one tertiary amine in an epoxy:amine weight ratio of from about 0.5:1 to about 10:1 produces an adhesive with unexpectedly superior performance, in particular at least with a curing time of less than 2 hours (see page 3, paragraph 4, page 7, paragraph 4, page 8, paragraph 1). The '555 patent **fails** to recognize that this unexpected improvement in curing time (2 hours) may be obtained through the presently claimed combination (see Col. 7, lines 34 to 44, Col. 8, lines 11 to 14). Further, the disclosure of the '555 patent also **does not** suggest modification of the adhesives therein to improve curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least this deficiency, the '555 patent fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the '555 patent for at least this reason.

The '678 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 of the presently claimed adhesives. In particular, the '678 patent discloses a broad ratio of epoxy to amine present in such composition from 0.178:1 to about 35.29:1 (see Col. 4, lines 13 to 33, Col. 5, lines 24 to 36, Col. 6, lines 18 to 34). The '678 patent **fails** to recognize that this unexpected improvement in curing time (2 hours) may be obtained through the presently claimed combination (see Col. 7, lines 61 to 67, Col. 8, lines 38 to 40). Further, the disclosure of the '678 patent also **does not** suggest modification of the adhesives therein to improve curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least this deficiency, the '678 patent fails to teach each

and every element of the claimed invention. Accordingly, the present claims are not anticipated by the '678 patent for at least this reason.

The '458 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 of the presently claimed adhesives. In particular, the '458 patent discloses a broad ratio of epoxy to amine present in such composition from 0.178:1 to about 35.29:1 (see Col. 3, lines 24 to 56, Col. 4, lines 37 to 52). The '458 patent **fails** to recognize that this unexpected improvement in curing time (2 hours) may be obtained through the presently claimed combination (see Col. 6, lines 38 to 48, Col. 7, lines 17 to 19). Further, the disclosure of the '458 patent also **does not** suggest modification of the adhesives therein to improve curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least this deficiency, the '458 patent fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the '458 patent for at least this reason.

The '434 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 of the presently claimed adhesives. In particular, the '434 patent discloses a broad ratio of epoxy to amine present in such composition from 0.178:1 to about 35.29:1 (see Col. 3, lines 40 to 59, Col. 5, lines 38 to 48, Col. 6, lines 30 to 45). The '434 patent **fails** to recognize that this unexpected improvement in curing time (2 hours) may be obtained through the presently claimed combination (see Col. 8, lines 28 to 38, Col. 9, lines 5 to 7). Further, the disclosure of the '434 patent also **does not** suggest modification of the process therein to improve curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least this deficiency, the '434 patent fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the '434 patent for at least this reason.

The '256 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1. In particular, the '256 patent discloses a broad ratio of epoxy to amine present in such composition from 0.178:1 to about 35.29:1 (see Col. 3, lines 48 to 67, Col. 7, lines 32 to 42). The '256 patent **fails** to recognize that this unexpected improvement in curing time (2 hours) may be obtained through the presently claimed combination. Further, the disclosure of the '256 patent also **does not** suggest modification of the process therein to improve curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. In view of at least this deficiency, the '256 patent fails to teach each and every element of the claimed invention. Accordingly, the present claims are not anticipated by the '256 patent for at least this reason.

IV. DOUBLE PATENTING REJECTIONS

Claims 1 to 10 and 18 are provisionally rejected as being allegedly unpatentable over Claims 1 to 19 of U.S. Patent No. 6,291,555 to Surjan et al. (the '555 patent), Claims 1, 2, and 8 to 10 of U.S. Patent No. 6,403,678 to Surjan et al. (the '678 patent), or Claims 1 to 12 and 23 to 26 of U.S. Patent No. 6,420,458 to Surjan et al. (the '458 patent). Claims 11 to 14 and 19 are provisionally rejected as being allegedly unpatentable over the '555 patent, the '678 patent, and the '458 patent in view of U.S. Patent No. 6,166,849 to Coleman et al. (the '849 patent) and U.S. Patent No. 5,681,128 to Morgan et al. (the '128 patent). Claims 15 to 17 are provisionally rejected as being allegedly unpatentable over the '555 patent, the '678 patent, and the '458 patent in view of U.S. Patent No. 6,645,340 to Gienau et al. (the '340 patent) and U.S. Patent No. 5,962,602 to Hartman et al. (the '602 patent).

Applicants respectfully traverse these rejections as the one of ordinary skill in the art at the time of the present invention, when presented with the disclosures of the '555, '678 or '458 patents, or the combination of all three disclosures with the '849 and '128 patents (assuming *arguendo* that such combinations may be made), would not be suggested to obtain the presently claimed invention as recited in independent Claims 1 or 11.

To establish a *prima facie* case of obviousness, "there must be some teaching, suggestion or motivation in the prior art to make the specific combination that was made by the applicant." *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998). "In other words, the examiner must show reasons that the skilled artisan, confronted with the same problem as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1458 (Fed. Cir. 1998).

Applicants respectfully traverse this rejection as the one of ordinary skill in the art at the time of the present invention, when presented with the disclosures of the '555, '678 or '458 patent, would not be suggested to obtain the presently claimed invention as recited in Claim 1 or 11. As detailed above in Section III, the '555, '678 and '458 patents **do not** disclose the present unexpected improvement in curing time from 24 to 2 hours, which is produced by the presently claimed adhesive composition comprising an epoxy compound and a curing agent comprising at least one aliphatic amine and at least one tertiary amine in an epoxy:amine weight ratio of from about 0.5:1 to about 10:1, as recited in claim 1. The '555, '678 and '458 patents also **do not** disclose any suggestion to modify the adhesive composition disclosed therein in such a way as

to improve adhesive curing time. Further, the Action **does not** provide any evidence to support the contention that the '555, '678 and '458 patents contain any such disclosure or any suggestion to modify same. Accordingly, the presently claimed adhesive composition is patentable over the '555, '678 or '458 patents for at least this reason.

In addition, the '849 and '128 patents provide no additional disclosure to cure the deficiency in the combination of the '555, '678 and '458 patents. As such, one of ordinary skill in the art at the time of the present invention, when presented with the disclosures of the '555, '678, '458, '849 and '128 patents (assuming *arguendo* that such combination may be made), would not be suggested to obtain the presently claimed invention as recited in independent Claims 11.

Applicants do not concede that the '849 patent is an art area analogous to that of the presently claimed invention. Further, the Action has provided **no** evidence why one of ordinary skill in the art would look to a publication disclosing seals for electrooptic devices in attempting to produce an adhesive composition for anchoring materials in or to concrete and/or masonry. The '849 does not provide any additional disclosure regarding epoxy amine weight ratios. In particular, the '849 patent only indicates that that the disclosed active hydrogen:active epoxy ratios of 0.75 to 1.5:1 may be converted to weight ratios depending on the components selected (see Col. 4, lines 61 to 67, Col. 5, lines 1 to 17). However, the weight ratio of the epoxy to amine component may vary greatly as such is dependant on the molecular weight of the specific epoxy and amine used, not the number of reactive sites on such molecule. Accordingly, two different sets of compounds which have the same active hydrogen:active epoxy ratios can have two very different epoxy:amine weight ratios. The '849 patent thus does not suggest either of the particularly claimed ratios of epoxy to amine, using the claimed combination of an aliphatic and tertiary amine, to one of ordinary skill in the art such that one would expect to obtain an adhesive composition of the present invention having an unexpectedly shorter curing time of two hours.

Applicants do not concede that the '128 patent is an art area analogous to that of the presently claimed invention. Further, the Action has provided **no** evidence why one of ordinary skill in the art would look to a publication disclosing a surface marking system for use on roadways and walkways in attempting to produce an adhesive composition for anchoring materials in or to concrete and/or masonry. The '128 patent **does not** disclose or suggest an adhesive composition comprising an epoxy compound and a curing agent comprising at least one aliphatic amine and at least one tertiary amine in the presently claimed epoxy:amine weight ratios. As such, one of ordinary skill in the art, when presented with the disclosures of the '555,

'678, '458, '849 and '128 patents would not be suggested to obtain the presently claimed invention with the expectation that such composition would have a cure time of two hours. Accordingly, the presently claimed adhesive composition is patentable over the combination of the '555, '678, '458, '849 and '128 patents for at least this reason.

V. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1 to 19 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the '849 patent, the '128 patent, the '340 patent, the '602 patent, U.S. Patent No. 6,214,159 to Armin et al. (the '159 patent), U.S. Patent No. 4,623,702 to Grieves et al. (the '702 patent), U. S. Patent No. 6,572,971 to Martin et al. (the '971 patent), Japanese Patent No. 2000-273354 (the '354 patent), Japanese Patent No. 57-159866 (the '866 patent) and Japanese Patent no. 60-258277 (the '277 patent).

Applicants respectfully traverse these rejections as the one of ordinary skill in the art at the time of the present invention, when presented with the combined disclosures of the '849, '128, '340, '602, '159, '702, '971, '354, '866 and '277 patents (assuming *arguendo* that such combination may be made), would not be suggested to obtain the presently claimed invention as recited in independent Claims 1 or 11.

To establish a *prima facie* case of obviousness, "there must be some teaching, suggestion or motivation in the prior art to make the specific combination that was made by the applicant." *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998). "In other words, the examiner must show reasons that the skilled artisan, confronted with the same problem as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1458 (Fed. Cir. 1998).

As detailed above in Section IV, the '849 and '128 patents do not disclose the presently claimed combination of an aliphatic amine and tertiary amine in the epoxy:amine ratios recited in claims 1 and 11. The '340 and '602 patents are only relied upon for the provision of a reactive diluent; such patents thus do not cure the deficiency of the '849 and '128 patents with regard to the claimed curing agent combination and epoxy:amine percent by weight ratios.

The '159 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '159 patent only discloses aliphatic amines and/or polyamines as curing agents (see Col. 1, lines 29 to 34, lines 49 to 52, Col. 2, lines 46 to 54), and contains no disclosure regarding the ratio of epoxy to amine present

in such composition. Further, the '159 patent **does not** suggest modification of the type of amines disclosed therein to improve curing time. The Action also **does not** provide any evidence that such motivation to modify exists. As such, one of ordinary skill in the art, when presented with the disclosures of the '555, '678, '458, '849 and '159 patents would not be suggested to obtain the presently claimed invention with the expectation that such composition would have a cure time of two hours.

The '702 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '702 patent only discloses aliphatic amines and/or tertiary amines as hardeners or accelerating agents, and a broad ratio of epoxy to amine present in such composition from 140:1 to about 1.04:1 (see Col. 2, lines 5 to 26, Col. 3, lines 12 to 46, Col. 4, lines 52 to 54). As detailed above in Section II, Applicants have discovered that the use of an epoxy compound in conjunction with a curing agent comprising at least one aliphatic amine and at least one tertiary amine in an epoxy:amine weight ratio of from about 0.5:1 to about 10:1 produces an adhesive with unexpectedly superior performance, in particular at least with a curing time of less than 2 hours (see page 3, paragraph 4, page 7, paragraph 4, page 8, paragraph 1). The '702 patent **fails** to recognize that this unexpected improvement in curing time (2 hours) may be obtained through the presently claimed combination. Further, the disclosure of the '702 patent **does not** suggest modification of the process therein to improve adhesive curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. The Action also **does not** provide any evidence that such motivation to modify exists. As such, one of ordinary skill in the art, when presented with the disclosures of the '555, '678, '458, '849, '159 and '702 patents would not be suggested to obtain the presently claimed invention with the expectation that such composition would have a cure time of two hours.

The '971 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '971 patent only discloses generally aliphatic amines and/or tertiary amines as curing agents (see Col. 3, lines 59 to 67, Col. 4, lines 1 to 14), and contains no disclosure regarding the ratio of epoxy to amine present in such composition. Further, the disclosure of the '971 patent **does not** suggest modification of the process therein to improve curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. The Action also **does not** provide any evidence that such motivation to modify exists. As such, one of ordinary skill in the art, when presented with

the disclosures of the '555, '678, '458, '849, '159, '702 and '971 patents would not be suggested to obtain the presently claimed invention with the expectation that such composition would have a cure time of two hours.

The '354 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '354 patent only discloses aliphatic polyamines and/or tertiary amines as curing or hardening agents in an epoxy:amine weight ratio of 1:0.1 to 1:0.6 (see abstract). Further, the disclosure of the '354 patent **does not** suggest modification of the process therein to improve curing time through the use of the presently claimed curing agent composition and epoxy:amine weight ratio. The Action also **does not** provide any evidence that such motivation to modify exists. As such, one of ordinary skill in the art, when presented with the disclosures of the '555, '678, '458, '849, '159, '702, '971 and '354 patents would not be suggested to obtain the presently claimed invention with the expectation that such composition would have a cure time of two hours.

The '334 patent **does not** disclose at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '334 patent only discloses diamines as curing agents in an active hydrogen:active epoxy ratio of 0.8 to 1.2:1 (see abstract, page 1). As detailed above in Section IV with regard to the '849 patent, the weight ratio of the epoxy to amine component may vary greatly as such is dependant on the molecular weight of the specific epoxy and amine used, not the number of reactive sites on such molecule. Accordingly, two different sets of compounds which have the same active hydrogen:active epoxy ratios can have two very different epoxy:amine weight ratios. The '334 patent, in combination with the disclosures of the '555, '678, '458, '849, '159, '702, '971 and '354 patents, thus **does not** suggest either of the particularly claimed ratios of epoxy to amine, or the claimed combination of an aliphatic and tertiary amine, to one of ordinary skill in the art with the expectation that such composition would have a cure time of two hours.

The adhesives disclosed in the '277 patent **do not** contain at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. In particular, the '277 patent only discloses diamines or triamines as curing agents in an active hydrogen:active epoxy ratio of 0.8 to 1.2:1 (see abstract, page 1). As detailed above in Section IV with regard to the '849 patent, the weight ratio of the epoxy to amine component may vary greatly as such is dependant on the molecular weight of the specific epoxy and amine used, not the number of

reactive sites on such molecule. Accordingly, two different sets of compounds which have the same active hydrogen:active epoxy ratios can have two very different epoxy:amine weight ratios. The '227 patent, in combination with the disclosures of the '555, '678, '458, '849, '159, '702, '971, '354 and '334 patents, thus **does not** suggest either of the particularly claimed ratios of epoxy to amine, or the claimed combination of an aliphatic and tertiary amine, to one of ordinary skill in the art with the expectation that such composition would have a cure time of two hours. Accordingly, the presently claimed invention is patentably non-obvious over the combination of the '849, '128, '340, '602, '159, '702, '354, '334 and '227 patents.

Claims 11 to 14 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the '555 patent, the '678 patent, the '458 patent, the '434 patent, the '256 patent, the '849 patent and the '129 patent. Applicants respectfully traverse this rejection for at least the rationale as detailed above in Section IV.

Claims 15 to 17 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable in view of the '555 patent, the '678 patent, the '458 patent, the '434 patent, the '256 patent, the '340 patent and the '602 patent. Applicants respectfully traverse this rejection for at least rationale as detailed above in Section IV with regard to independent claim 11, from which these claims depend.

Claims 11 to 14 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the '280 patent, the '837 patent, the '949 patent, the '829 article, the '931 article and the '680 article in view of the '849 patent and the '128 patent. Applicants respectfully traverse these rejections as the one of ordinary skill in the art at the time of the present invention, when presented with the combined disclosures of the '280, '837, '949, '849 and '128 patents, and the '829, '931 and '680 articles (assuming *arguendo* that such combination may be made), would not be suggested to obtain the presently claimed invention as recited in independent Claim 11.

As detailed above in Section II and IV, the adhesives disclosed in the '288, '837, '949, '849 and '128 patents and the '829, '931 and '680 articles **do not** contain at least the epoxy:amine weight ratio of from about 0.5:1 to about 10:1 and the curing agent combination of at least one aliphatic amine and one tertiary amine of the presently claimed adhesive. Further, the disclosures of such publications **do not** suggest any modification that would suggest to one of ordinary skill in the art the presently claimed adhesives with the expectation of successfully achieving a cure time of 2 hours. Further, the Action **does not** provide any evidence to support the contention that this combination of publications contains any such disclosure or any suggestion to modify same in a way that would produce the presently claimed invention. Accordingly, the presently claimed adhesive composition is patentable over the combination of

'280, '837, '949, '849 and '128 patents, and the '829, '931 and '680 articles for at least this reason.

Claims 15 to 17 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the '280 patent, the '837 patent, the '949 patent, the '829 article, the '931 article and the '680 article in view of the '340 patent and the '602 patent. Applicants respectfully traverse this rejection for at least the rationale as detailed herein in Section V with regard to independent claim 11, from which these claims depend.

VI. CONCLUSION

In view of the foregoing remarks, applicants assert that the present claims are in condition for allowance and respectfully request that the Office issue a Notice of Allowance at the earliest possible date. The Office is invited to contact Applicants' undersigned counsel by telephone in order to further the prosecution of this case in any way.

It is hereby requested that the term to respond to the Action of November 17, 2006 be extended one (1) month, from February 17, 2007 to March 17, 2007. Authorization to charge a Credit Card is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

Dated: March 19, 2007

Respectfully submitted,

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